



In the Matter of Section 63.71 Application of :  
: WC Docket No. 19-151  
Affiniti, LLC and Affiniti PA, LLC for : Comp. Pol. File No. 1538  
Authority Pursuant to Section 214 of the :  
Communications Act to Discontinue its :  
Wireline Telecommunications Services :

### **COMMENTS OF ARIN INTERMEDIATE UNIT 28**

#### **OPPOSING APPLICATION FOR DISCONTINUANCE OF SERVICE**

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ARIN Intermediate Unit 28 (“ARIN IU 28” or “Customer”) is a regional educational service agency in rural Pennsylvania that is a current customer of Affiniti, PA, LLC (“Affiniti”) and will be stranded without any broadband transport service options if Affiniti is permitted to terminate its service as of June 30, 2019. We are filing this Comment per Public Notice DA 19-488 to explain the dire circumstances facing us and to request the Federal Communications Commission to prohibit Affiniti from terminating service to us until other comparable service is available to ensure uninterrupted and continuous broadband transport service.

As requested in the Public Notice, we will provide the specific information about the impact of the proposed discontinuance, including any inability to acquire reasonable substitute service.

Due to the tremendous benefits of the E-rate program, ARIN IU 28 has been successful in establishing a consortium over 10 years ago to facilitate the availability of high-speed broadband transports to the school districts and career technology centers throughout our

geographic serving area. Affiniti is the current service provider and has a master contract with ARIN IU 28 for the circuits to interconnect 11 school districts, two career and technology centers and ARIN 28.<sup>1</sup> These circuits are used to transport Internet to these schools which serve over 19,000 students in portions of two of Pennsylvania's most rural counties – Indiana and Armstrong. ARIN IU 28 applies for E-rate funding on behalf of these schools and serves as the customer of record with Affiniti.

The Agreement between Affiniti and ARIN IU 28 has an initial term of five years and four voluntary yearly options to extend the agreement. The extension options are at the sole discretion of the Customer, without condition or limitation. The initial term ends June 30, 2019 and then the extension options are available.

In February 2019, following a competitive procurement, we negotiated a contract with a new provider to obtain cost-effective comparable service, but the new service will not be available for July 1, 2019.<sup>2</sup> We therefore contacted Affiniti to request them to continue providing service until we have the new, comparable service in place.<sup>3</sup> They told us that they were familiar with such arrangements and routinely worked with their customers to implement a seamless transition of service. These events transpired prior to Affiniti's announcement of

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<sup>1</sup> The contract was originally executed by Last Mile, Inc. d/b/a Sting Communications in January 2014 with ARIN IU 28. Subsequently, Affiniti PA, LLC acquired Last Mile's assets and notified ARIN IU 28 that it was the new name of the company.

<sup>2</sup> The new provider will charge us a monthly recurring cost for the new service and has **not** imposed a special construction or build-out charge. ARIN IU 28 therefore has applied for E-rate on the annual recurring costs of the new contract.

<sup>3</sup> When ARIN IU 28 first determined that the new service provider would be unable to provision service for a July 1, 2019 start date, representatives on behalf of the IU contacted Affiniti to request that they continue to provide month-to-month service past July 1 until the new service is available. This would require the annual renewal option to be exercised in a series of monthly options. It is a common practice among service providers in the E-rate program when there is a transfer of service to a new company that the existing vendor will continue to serve and bill the customer until the new service is in place.

their intention to exit the market. Since then, they have informed us that they would be unable to provide service past June 30, 2019, and we should seek other arrangements.

The following dates are the soonest that the new provider will be able to install the facilities necessary to connect these sites to their network. We have weekly progress calls with them and they understand the urgency of the situation and assure us that they are working as diligently and quickly as possible to install the new services:

**July 31, 2019:** ARIU Intermediate Unit 28; Apollo Ridge School District; Homer-Center School District; Indiana Area School District; Indiana County Technology Center; Leechburg Area School District and Lenape Technical School.

**September 30, 2019:** Marion Center Area School District; Penns Manor School District, Purchase Line School District; and United School District.

*We have a critical three-month period through September 30, 2019 for four districts and a one-month period for the other seven districts that we are at risk of being without transport service and Internet access service.*

No other vendor has been identified as being able to provide either transport circuits or Internet access service to these sites as of July 1. We have explored both wireless and wireline options. Due to the mountainous and rural area, there is a significant effort required to connect to these locations and no vendor can install facilities and provide service as of July 1, 2019. We take issue, therefore with Affiniti's claim in its application that Verizon's or CenturyLink's service is available to replace their service. Neither company – nor any other company – has been identified as being able to provide service to us as of July 1, 2019.

We are gravely concerned that without the FCC's direction to Affiniti to continue providing service through September 30, 2019 to the four schools listed above, and through

July 31, 2019 for the other seven schools, they will lose Internet access until they are connected to the new vendor's network.

Internet access is vital not only for the instruction of students in the classroom but also for a variety of other educational activities that continue during the summer months. In other words, even though school may not be in session full time for all students, each district and school have ongoing educational activities that depend on Internet access and will be greatly hindered if they are taken offline on July 1 and must wait for their new service provider. Moreover, for the four schools with an in-service date of September 30, they face starting a new school year without Internet access in any classrooms.

We therefore respectfully request that the Federal Communications Commission direct Affiniti PA, LLC to honor its public service obligation and to continue to provide us with our contracted-for service through September 30, 2019 to the four sites listed above and through July 31, 2019 for the remaining locations. We are willing to negotiate a reasonable price for these services and are available to discuss and resolve this matter at the earliest opportunity.

Respectfully submitted,

/s/James J. Wagner  
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June 14, 2019